IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 717 of 1997

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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ROADS & BUILDINGS DEPTT. - Petitioner(s)
Versus
STATE OF GUJARAT & 2 - Respondent(s)

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Appearance :
MR BIREN A VAISHNAV for Petitioner(s) : 1,
MR DIPEN DESAI, AGP for Respondent(s) : 1 - 3.

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 02/03/2007

ORAL JUDGMENT

1. In this petition the petitioner/union has prayed for an appropriate order directing the respondents to revise the pay scale and to remove the anomaly in the pay scale.

2. One Gujarat State Employees Confederation preferred Special Civil Application No. 24819 of 2006, which came up for hearing before Brother Judge (Coram: H.K.Rathod, J.) and by order dated 30.11.2006, the learned Single Judge of this Court has directed the State Government to take an appropriate decision within a reasonable time and as early as possible and communicate the decision to the petitioner immediately.

3. Today, when this matter is called out, Shri Dipen Desai, learned AGP under the instructions from the Officer of the Finance Department has submitted that the disputes, which have been raised in the present petition were referred to the Pay Anomaly Committee and in turn the Pay

Anomaly Committee has submitted its report to the Sub-Committee and the Sub-Committee has also considered the same and the report is at present with the State Government for its consideration.

4. In view of the order dated 30.11.2006 passed in Special Civil Application No. 24819 of 2006 and in view of the above, it will be in the fitness of things to dispose of the present Special Civil Application directing the State Government to take an appropriate decision within a time bound programme. Under the circumstances, the State Government is directed to consider the report submitted by the Pay Anomaly Committee as well as Sub-Committee and take an appropriate decision with regard to the pay anomaly and on all other questions, which have been raised in the present Special Civil Application, as early as possible but not later than 3 months from the date of receipt of this order. The State Government to communicate the decision to the petitioner within a period of 15 days thereafter. The State Government and the

concerned departments are directed to strictly comply with the above directions. It is, however, made clear that this Court has not expressed any opinion on the merits in favour of either parties. It goes without saying that if any adverse decision is taken, it will be open for the petitioner to challenge the same by way of appropriate proceedings.

5. With this, the petition is disposed of. Rule discharged. No costs.

Direct Service is permitted.

(M.R.Shah, J.)

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